

**MEDICAL EXAMINING BOARD
MINUTES
OCTOBER 17, 2012**

PRESENT: James Barr; Carolyn Bronston (excused at 2:50 p.m.); Mary Jo Capodice, DO; Jude Genereaux (excused at 1:52 p.m.); Gene Musser, MD; Sandra Osborn, MD; Kenneth Simons, MD; Timothy Swan, MD; Sridhar Vasudevan, MD; Sheldon Wasserman, MD; Timothy Westlake, MD

EXCUSED: Rodney Erickson, MD; Suresh Misra, MD

STAFF: Tom Ryan, Executive Director; Yolanda McGowan, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

CALL TO ORDER

Dr. Sheldon Wasserman, Chair, called the meeting to order at 8:09 a.m. A quorum of eleven (11) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Under EXECUTIVE DIRECTOR MATTERS (open session), add:
 - c. November 2012 Meeting Date
 - d. 2013 Meeting Dates
- Item 10 b 1 (open session) under WIS ADMIN CODE CHAPTER MED 10 DISCUSSION AND VOTING, insert additional information after page 32
- Item CS-2 (closed session) under DELIBERATION OF STIPULATIONS, FINAL DECISIONS AND ORDERS, insert after page 88:
 - b. John Gregory Hoffman, MD – 11 MED 343
 - c. Stephanie J. Boyer, MD – 11 MED398
 - d. David Van de Loo, MD – 12 MED 316 – Stipulation and Interim Order
- Case Status Report – insert at the end of closed session
- Under RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION, insert, “ Media Advisory Relating to the Matter of Evans Saunders, MD”

MOTION: Kenneth Simons moved, seconded by Gene Musser, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 19, 2012

Corrections:

- Add Dr. Erickson to the roll call vote for closed session

MOTION: Timothy Swan moved, seconded by Carolyn Bronston, to approve the minutes of September 19, 2012 as corrected. Motion carried unanimously.

ITEMS FOR BOARD DISCUSSION

FSMB Matters

MOTION: Sandra Osborn moved, seconded by Gene Musser, to authorize Sridhar Vasudevan to apply for the FSMB Education Committee. Motion carried unanimously.

Wis. Admin. Code Chapter MED 10 Discussion and Voting

- **Social Media Discussion and Voting**

MOTION: Carolyn Bronston moved, seconded by Sridhar Vasudevan, to add to MED 10 as follows: Use of the internet, computer technology, or other electronic media to facilitate or commit any act or part of any act that constitutes unprofessional conduct as defined in this section. Motion failed.

MOTION: Gene Musser moved, seconded by Timothy Swan, that MED 10 make no reference to social media. Motion carried 6 to 4. Sridhar Vasudevan abstained.

MOTION: Timothy Swan moved, seconded by Gene Musser, to have the Board issue an educational statement relating to professionalism in the use of social media. Motion carried. Sridhar Vasudevan abstained.

- **Physician Prescribing Discussion and Voting**

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to include in MED 10, “prescribing controlled substances for oneself is unprofessional conduct as defined in Wis. Status 961.38(5).” Motion carried unanimously.

- **Remainder of Chapter Med 10 Items for Discussion**

MOTION: Sandra Osborn moved, seconded by Sridhar Vasudevan, to adopt the language for direct patient care as: Failure to establish and maintain timely patient health care records, including records of prescription orders, as required by Wis. Admin Code Ch. MED 21, or as otherwise required by law. Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to keep the current language of MED 10.02 (2)(b) and MED 10.02(2)(zc), Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Kenneth Simons, to add the language “Any violation of Wis Stat. Sec. 448.115.” Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Sridhar Vasudevan, to retain MED 10.02 (2)(o). Motion carried unanimously.

Board Outreach/Speaking Engagements/Travel and Public Relations Requests

- Consider Motion to Authorize Mary Jo Capodice, DO, to Attend the AAOE Summit Meeting, January 4-5, 2013 in Scottsdale, AZ

MOTION: Sridhar Vasudevan moved, seconded by James Barr, to authorize Mary Jo Capodice to speak at the Wisconsin Osteopathic Association on November 9-10, 2012 in Milwaukee. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Gene Musser, to authorize Mary Jo Capodice to attend the AAOE Summit Meeting January 4-5, 2013, in Scottsdale, AZ. Motion carried. Kenneth Simons opposed.

MOTION: Jude Genereaux moved, seconded by Sandra Osborn, to authorize Sheldon Wasserman to speak to the AOA on November 9, 2012 at the Medical College of Wisconsin, in Milwaukee. Motion carried unanimously.

RECESS TO CLOSED SESSION

MOTION: Gene Musser moved, seconded by Sandra Osborn, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: James Barr-yes; Carolyn Bronston-yes; Mary Jo Capodice-yes; Jude Genereaux-yes; Gene Musser-yes; Sandra Osborn-yes; Timothy Swan-yes; Sridhar Vasudevan-yes; Sheldon Wasserman-yes; Timothy Westlake-yes. Motion carried unanimously.

Open session recessed at 12:37 p.m.

RECONVENE IN OPEN SESSION

MOTION: Gene Musser moved, seconded by Kenneth Simons, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:52 p.m.

ITEMS VOTED ON DURING CLOSED SESSION

FULL BOARD ORAL EXAMINATION

MOTION: Kenneth Simons moved, seconded by Timothy Swan, to deny the application for licensure of **Farhad Ahmady, MD**, as he has not demonstrated minimum competence to practice medicine. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Gene Musser moved, seconded by Jude Genereaux, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order and the surrender of license in the disciplinary proceedings against **Evan K. Saunders, MD (08 MED 315, 11MED 124 and 11 MED 157)**. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **John Gregory Hoffman, MD (11 MED 343)**. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Sridhar Vasudevan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Stephanie J. Boyer, MD (11 MED 398)**. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Interim Order in the disciplinary proceedings against **David Van de Loo, MD (12 MED 316)**. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNING(S)

MOTION: Gene Musser moved, seconded by Kenneth Simons, to reject the Administrative Warning in case **12 MED 146 against respondent B.W.G., DO, and to close this matter for prosecutorial discretion (P1)**. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Kenneth Simons, to issue the Administrative Warning in case **11 MED 367 against respondent A.S., MD**. Motion carried unanimously.

REVIEW OF ADMINISTRATIVE WARNING

MOTION: Jude Genereaux moved, seconded by Sridhar Vasudevan, to rescind the administrative warning in the matter concerning **R.P.R., MD, (11 MED 121) and to close this matter for prosecutorial discretion (P1)**. Motion carried unanimously.

CONSIDERATION OF COMPLAINT(S)

MOTION: Sandra Osborn moved, seconded by Timothy Swan to find probable cause to issue a complaint in the matter of **11 MED 312**. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Carolyn Bronston, to find probable cause to issue a complaint in the matter of **12 MED 021**. Motion carried unanimously.

MONITORING

MOTION: Kenneth Simons moved, seconded by Timothy Swan, to deny the request from **Shirley Y. Godiwalla, MD**, for the removal of the limitation and to request more information. Motion carried. Sridhar Vasudevan was excused during deliberation and abstained from voting.

MOTION: Carolyn Bronston moved, seconded by Kenneth Simons, to grant the request from **Jonathan E. Thomas, MD**, for a reduction of drug screens to 25 per year and termination of therapy. Motion carried unanimously.

CASE CLOSINGS

MOTION: Sandra Osborn moved, seconded by Timothy Swan, to close case **11MED 176 for no violation**. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Sridhar Vasudevan, to close case **11 MED 336 for insufficient evidence**. Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Sandra Osborn, to close case **11 MED 344 for prosecutorial discretion (P1)**. Motion carried unanimously.

MOTION: Timothy Westlake moved, seconded by Sandra Osborn, to close case **11 MED 429 for no violation**. Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Timothy Westlake, to close case **12MED 003 for no violation**. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Sandra Osborn, to close case **12 MED 050 for no violation**. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to close case **12 MED 093 for insufficient evidence**. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Sridhar Vasudevan, to close case **12 MED 105 for no violation**. Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Sridhar Vasudevan, to close case **12 MED 124 for no violation**. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Sandra Osborn, to close case **12 MED 238 for prosecutorial discretion (P1)**. Motion carried unanimously.

MOTION: Kenneth Simons moved, seconded by Timothy Swan, to close case **12 MED 206 for no violation**. Motion carried unanimously.

RATIFY ALL LICENSES AND CERTIFICATES

MOTION: Sandra Osborn moved, seconded by Gene Musser, to ratify all licenses and certificates as issued. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Kenneth Simons, to issue a media advisory in the matter regarding Evan Saunders, MD, subject to review by the chair. Motion carried unanimously.

ADJOURNMENT

MOTION: Gene Musser moved, seconded by Timothy Westlake, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:56 p.m.

THE NEXT MEETING IS SCHEDULED FOR NOVEMBER 14, 2012